IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1 OF 2005
WITH
CRIMINAL WRIT PETITION NO. 2205 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2206 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2207 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2208 OF 2004
WITH
CRIMINAL WRIT PETITION NO. 2209 OF 2004

Sewa Singh Sokhi ..Petitioner

versus

State of Maharashtra & Anr. ..Respondents

Mr. S. Jha i/b. M/s. Law Global for the Petitioner.

Mrs. V. R. Bhosale, APP for the State - Respondent No. 1 in Writ Petition Nos. 1 of 2005 and Writ Petition No. 2209 of 2004.

Mr. S. R. Borulkar, P.P. for the State - Respondent No. 1 in Writ Petition Nos. 2205 of 2004 and Writ Petition No. 2206 of 2004.

Mrs. S. D. Shinde, APP for the State - Respondent No. 1 in Writ Petition Nos. 2207 of 2004 and Writ Petition No. 2208 of 2004.

Mr. M. L. Bansal for the Respondent No.2.

CORAM : D. G. DESHPANDE, J.
DATE : 1ST AUGUST, 2006

P.C. :

1. Heard Counsel for the Petitioner, learned

Prosecutors for the State - Respondent No.1 and counsel for the Respondent No.2.

2. Petitioner is accused in all these petitions. Respondent No. 2 is the original complainant in all these petitions. These petitions have been filed challenging the proceedings under Section 138 of the Negotiable Instruments Act. Counsel for the complainant raised preliminary objection and contended that complaints under Section 138 of the Negotiable Instruments Act have been filed in 1998. Petitioner - accused challenged those complaints by filing two writ petitions bearing Writ Petition Nos. 1384 and 1385 of 1999. Those petitions were dismissed. The trial thereafter proceeded. Evidence of the complainant is over. Complainant and the witnesses have been examined by the accused, and, now, only for the purposes of delaying and prolonging the matters, these petitions have been filed. He also contended that the fact of dismissal of earlier two petitions i.e. Writ Petition Nos. 1384 and 1395 of 1999 has been suppressed by the petitioner, in all these petitions.

3. Mr. Jha tried to contend that issues involved are different in these petitions. I am not at all convinced by his submissions. Without commenting upon the conduct of the petitioner, it is clear that there is an attempt to protract the proceedings. Therefore, looking to the facts that the petitioner - accused had taken part in the proceedings, cross examined the witnesses, he should raise all the issues before the trial court, which are being now raised. There is no merit in these petitions, the same are dismissed.. However, all the issues are kept open to be raised before the trial Court. Petitions disposed of accordingly.

4. Along with the above petitions, Writ Petition Nos. 2110, 2111, 2112, 2113 and 2114 of 2004 are on the board and are tagged with the above Writ Petitions. Office to separate the same.

(D.G. DESHPANDE, J.)